



**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

**CRIMINAL SENTENCING MINUTES**

DATE: **FEBRUARY 17, 2021**

LOCATION: Albany, New York

TIME: START: <sup>10:57</sup>~~11:00 A.M.~~ / END: *11:20 AM*

PRESIDING: **HON. LAWRENCE E. KAHN**

CLERK: Scott A. Snyder / \_\_\_\_\_

COURT REPORTER: Theresa Casal / Lisa Tennyson / Jacqueline Stroffolino

**UNITED STATES OF AMERICA**

VS.

**NO. 1:20-CR-0274 (LEK)**

**JHAJUAN SABB**

**APPEARANCES:**

<b>Michael S. Barnett, AUSA.</b>	For the Government
<b>Michael P. McGeown-Walker, AFD.</b>	For the Defendant
<i>Melissa Laman + Craig Pont</i>	Probation / Pretrial Officer
<b>None</b>	Interpreter

✓	Judge inquires regarding review of presentence report and objections.
✓	Attorney is heard on behalf of defendant. <i>Requests a time served sentence. Requests a 1 yr period of SVR</i>
✓	Defendant speaks on own behalf.

✓	AUSA <u>Barnett</u> speaks on behalf of government. <u>Requests 3 yrs SVR. Time Served</u>
✓	The Court adopts the factual findings and guideline application in the presentence report except (see attachment if necessary):

**THE GUIDELINE RANGE DETERMINED BY THE COURT WILL BE NOTED ON  
THE SUBSEQUENT JUDGMENT**

PURSUANT TO THE ADVISORY GUIDELINES SET BY THE SENTENCING REFORM ACT OF 1987, IT IS THE JUDGMENT OF THIS COURT:

✓	The defendant is sentenced on Count(s): <u>1</u> .
✓	Defendant is committed to the custody of the Bureau of Prisons to be imprisoned for a term of <u>Time Served</u> months.
	Sentence is to run <b>concurrently</b> / <b>consecutively</b> to _____.
	It is recommended to the BOP that the defendant participate in the Comprehensive <b>Residential Drug Treatment Program</b> .
	Upon release from imprisonment, you shall <b>submit to a substance abuse evaluation</b> and complete treatment as directed by the probation officer.
	Defendant is placed on <b>probation</b> for a period of: _____ months/years.
	Defendant is placed on <b>supervised release</b> for a period of: _____ months/years.
✓	Upon defendant's release from imprisonment, defendant shall be placed on <b>supervised release</b> for a term of <u>3</u> years/months on count(s) _____ to run concurrently/consecutively.

**STANDARD CONDITIONS OF SUPERVISED RELEASE**

X	You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
X	After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
X	You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
X	You must answer truthfully the questions asked by your probation officer.
X	You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
X	You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
X	You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
X	You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
X	If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
X	You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
X	You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
X	If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
X	You must follow the instructions of the probation officer related to the conditions of supervision.
X	You must provide the probation officer with access to any requested financial information.



X	You must submit your person, and any property, house, residence, vehicle, papers, effects, computer, electronic communications devices, and any data storage devices or media, to search at any time, with or without a warrant, by any federal probation officer, or any other law enforcement officer from whom the Probation Office has requested assistance, with reasonable suspicion concerning a violation of a condition of probation or supervised release or unlawful conduct by the defendant. Any items seized may be removed to the Probation Office or to the office of their designee for a more thorough examination.
---	---

**SPECIAL CONDITIONS WHILE UNDER SUPERVISION / PROBATION**

✓	You shall participate in a program for substance abuse which will include testing for use of controlled substances, controlled substance analogues, and alcohol. This may include outpatient treatment as recommended by the treatment provider based upon your risk and needs. You may also be required to participate in inpatient treatment upon recommendation of the treatment provider and upon approval of the Court. The probation office will approve the location, frequency, and duration of outpatient treatment. You shall abide by the rules of any treatment program which may include abstaining from the use of any alcohol. You shall contribute to the cost of any evaluation and/or treatment in an amount to be determined by the probation officer based on your ability to pay and the availability of third party payments.
✓	You shall participate in a mental health program which may include medical, psychological, or psychiatric evaluation and outpatient treatment as recommended by the treatment provider based upon your risk and needs. You may also be required to participate in inpatient treatment upon recommendation of the treatment provider and upon approval of the Court. The probation office will approve the location, frequency, and duration of outpatient treatment. You shall abide by the rules of the program which may include a medication regimen. You shall contribute to the cost of any evaluation and/or treatment in an amount to be determined by the probation officer based on your ability to pay and the availability of third party payments.

\*\*\*\*\*

**FINE / COST OF INCARCERATION**

✓	A special assessment of \$ <u>100</u> (on each count) is imposed, payable to the Clerk of the Court, which is due immediately. Total special assessment is \$ <u>100.</u>
	Pursuant to the plea agreement, <b>you shall forfeit</b> to the United States all right, title and interest property as detailed in the Forfeiture Order.
	You shall apply all monies you receive from any income tax refunds, lottery winnings, judgments, and/or any other anticipated or unexpected financial gains to the outstanding court-ordered financial obligation.
	The interest requirement is waived pursuant to 18 U.S.C. § 3612(f).
	Defendant is to pay cost of incarceration _____.
✓	After considering defendant's present financial condition and the sentence just imposed, the Court does not impose any fine or costs of incarceration or supervised release or probation supervision, except electronic monitoring, if used.
	The Court finds based on your financial resources, that you have the ability to pay a fine. Defendant is to pay a <b>fine</b> in the amount of: \$ _____.

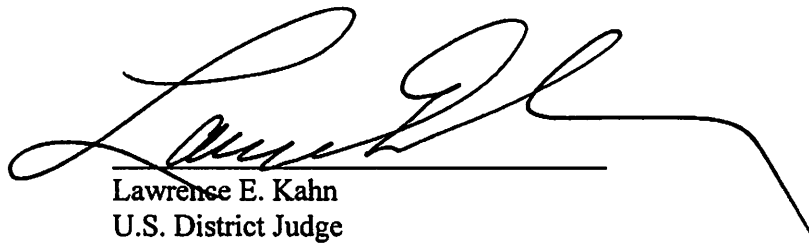
**PLACEMENT, APPEALS AND MISCELLANEOUS**

	Defendant is remanded to the custody of the U.S. Marshal.
	Defendant is to surrender to the custody of the Bureau of Prisons by reporting to the institution designated on _____ at _____ .M. Defendant is to contact the United States Marshal of this District who will advise of the institution designated. If the B.O.P. has not yet completed the institution designation, the defendant shall then surrender to the U.S. Marshal of this district.
	Remaining Counts to the Indictment / Information are dismissed on motion of AUSA.
✓	Parties advised of their appeal rights.
	Court will recommend to BOP: _____.

	Other: _____
	_____
	_____
	_____
	_____
	_____

**\*\* A COPY OF THE MINUTES ARE TO BE FORWARDED TO THE CHIEF PROBATION OFFICER OF THIS DISTRICT.**

FEBRUARY 17, 2021



Lawrence E. Kahn  
U.S. District Judge